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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
ORLANDO HERNANDEZ,
Defendant.

) CASE NO. 18-CR-00119-05 RS
)
)
**STIPULATION AND ORDER RE:
RESTITUTION**
)
Restitution Hearing: August 6, 2024 at 9:30 a.m.
)
The Honorable Richard Seeborg
)

The United States and defendant ORLANDO HERNANDEZ (“Defendant”), by and through their counsel of record, hereby stipulate as follows:

1. On April 8, 2024, Defendant pleaded guilty to Count 15 of the Indictment, alleging a violation of 18 U.S.C. §§ 924(j)(1) and 2.

2. At the sentencing hearing on April 8, 2024, the Court ordered Defendant to a sentence of 156 months in custody, plus five years of supervised release, and deferred the determination of restitution. The restitution hearing date is August 6, 2024, at 9:30 a.m.

3. Restitution is mandatory to victims of violent crime pursuant to 18 U.S.C. § 3663A (MVRA). Specifically, the law provides that a court “shall order . . . restitution” and that this restitution

1 order “shall order restitution to each victim” through the appropriate court mechanism “in the full
 2 amount of the victim’s losses as determined by the court and without consideration of the economic
 3 circumstances of the defendant.” 18 U.S.C. § 3664(f)(1)(A).

4 4. To conserve judicial resources, to bring about a speedy resolution of this matter, and to
 5 avoid further litigation, the parties agree and jointly request that the Court, upon approval of this
 6 Stipulation, may enter an Amended Judgment to order restitution to the individuals and/or entities in the
 7 amounts as set forth below:

- 8 a. \$15,925.15 in total to M.V., the victim’s next of kin.
 9 b. \$5,000 in total to the California Victim Compensation Board (“CalVCB”).

10 The parties stipulate that the above individuals and/or entities qualify as “victims” under the statutes
 11 cited in paragraph 3, *supra*. The United States shall furnish the Clerk’s Office with physical address
 12 information for each individual and/or entity. Restitution payments to CalVCB should be made after the
 13 rest of the restitution total has been paid to M.V. *See* 18 U.S.C. § 3664(j)(1).

14 5. The parties agree that the full amount of special assessment, fine, and restitution is due
 15 immediately in accordance with 18 U.S.C. § 3572(d) and in accordance with the parties’ plea agreement.

16 6. The parties further agree to the following payment schedule:

- 17 a. During imprisonment, payment of criminal monetary penalties is due at the rate of not
 18 less than \$25 per quarter and payment shall be through the Bureau of Prisons’ Inmate
 19 Financial Responsibility Program.
 20 b. Once Defendant is on supervised release, Defendant shall pay restitution in monthly
 21 payments of not less than \$100 or at least 10% of earnings, whichever is greater, to
 22 commence no later than 60 days from the date of this order.

23 7. Notwithstanding any payment schedule set by the court, the United States Attorney’s
 24 Office may pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and
 25 3664(m). The restitution payments shall be made to the Clerk of U.S. District Court, Attention: Finance
 26 Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

27 8. Restitution shall be joint and several as to defendant Hernandez and co-defendants Luis
 28 Cid-Salinas and Weston Venegas. See ECF 657, 671.

9. The parties request that the Court issue an Amended Judgment ordering restitution payable to the individuals and/or entities identified and the terms outlined above.

SO STIPULATED.

DATED: August 1, 2024

ISMAIL J. RAMSEY
United States Attorney

/s/
RICHARD EWENSTEIN
Assistant United States Attorney

DATED: August 1, 2024

/s/
HARRIS TABACK
Attorney for Defendant ORLANDO HERNANDEZ

ORDER

ORLANDO HERNANDEZ will pay a total of \$20,925.15 in restitution, in the amounts specified to the individuals and/or entities specified as follows:

- a. \$15,925.15 in total to M.V.
 - b. \$5,000 in total to the California Victim Compensation Board (“CalVCB”).

The above individuals/entities qualify as victims pursuant to 18 U.S.C. § 3663A.

The full amount of special assessment, fine, and restitution is due immediately. During imprisonment, payment of criminal monetary penalties is due at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons' Inmate Financial Responsibility Program. Once Defendant is on supervised release, Defendant shall pay restitution in monthly payments of not less than \$100 or at least 10% of earnings, whichever is greater, to commence no later than 60 days from entry of this order.

13 Notwithstanding any payment schedule set by the court, the United States Attorney's Office may
14 pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and 3664(m). The
15 criminal monetary penalty payments shall be made to the Clerk of U.S. District Court, Attention:
16 Finance Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

17 The Probation Office shall prepare an amended judgment in accordance with this order. The
18 restitution hearing originally set for August 6, 2024, is hereby vacated.

IT IS SO ORDERED.

DATE: 8/1/2024


HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE